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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

SEP 20 2002

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY

IN THE MATTER OF THE APPLICATION
DONALD D. HIXON FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN THE STATE OF ARIZONA

DOCKET NO. T-04114A-02-0461

DECISION NO. 65197ORDER

Open Meeting
September 17 and 18, 2002
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On June 20, 2002, Donald D. Hixon ("Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

6. Applicant has requested that a Certificate be granted and has indicated that it will provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

7. Applicant does not presently provide COPT services in Arizona.

8. On July 9, 2002, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application without a hearing.

9. Staff stated that the Applicant has provided a copy of its customer information placard in compliance with the Generic Tariff.

10. Staff also stated that increased pay telephone availability is in the public interest.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT without a hearing.

4. The provision of COPT service in Arizona by Applicant is in the public interest.

5. Applicant is a fit and proper entity to receive a Certificate for providing COPT service in Arizona.

6. Staff's recommendations in Findings of Fact No. 8 is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of Donald D. Hixon for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 20th day of SEPT., 2002.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT
MES:mlj

65197

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2 DOCKET NO.: T-04114A-02-0461

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